

STATE OF MICHIGAN

IN THE WAYNE COUNTY CIRCUIT COURT

DETROIT PUBLIC LIBRARY
COMMISSION and DETROIT PUBLIC
LIBRARY,

Plaintiffs,

v.

Case No. 15-006495-CL

15-006495-CL

INTERNATIONAL UNION, UNITED
AUTO WORKERS; UNITED AUTO
WORKERS LOCAL 2200; MICHIGAN
COUNCIL 25, LOCAL UNIONS 1231 and
1259, OF THE AMERICAN FEDERATION
OF STATE, COUNTY AND MUNICIPAL
EMPLOYEES, AFL-CIO;
INTERNATIONAL UNION OF
OPERATING ENGINEERS, LOCAL 324;
MICHAEL WELLS, MARILYN QUIRK,
LAURIE STUART, BEATRICE MANSON,
GWENDOLYN BEASLEY, DORTHA
SIMPSON, RONALD BRYANT, KATRINA
KELLY, CHRISTOPHER EMBRY,
KATHRYN KENGEL,
CLEDOS POWELL, and ROSEMARY
PATTERSON (individually, and as
representatives of a requested class of all
similarly situated persons),

Hon. Leslie Kim Smith

FILED IN MY OFFICE
WAYNE COUNTY CLERK
11/7/2016 9:19:55 AM
CATHY M. GARRETT
/s/ Kimberley DeLoach

Defendants.

**ORDER OF PRELIMINARY APPROVAL
OF CLASS ACTION SETTLEMENT**

At a session of said Court held in the Wayne County
Circuit Court, City of Detroit, State of Michigan on:

11/7/2016

PRESENT: HON. Leslie Kim Smith
Honorable Leslie Kim Smith

This matter came before the Court on the Parties' Joint Motion for Preliminary Approval of a Class Action Settlement. The Court, having considered the motion and the submissions and positions of the Parties, grants the motion, and approves of the notice to be mailed to Class Members and preliminarily approves of the class settlement.

IT IS HEREBY ORDERED that:

1. Under MCR 3.501, the "Class," including subclasses, as defined in the Settlement Agreement (attached as Exhibit 1), is hereby certified for settlement purposes only.
2. The Court preliminarily approves the terms of the Settlement Agreement attached as Exhibit 1.
3. On or before 14 days from the entry of this Order, Plaintiffs' counsel will cause the Notice, attached as Exhibit 2, to be mailed to members of the Class. The Notice is the best notice practicable under the circumstances, is in compliance with MCR 3.501, and the requirements of due process of law, and will adequately inform Class Members of their rights.
4. A hearing will be held before this Court on December 16, 2016 at 2:00 p.m. to determine whether the Settlement Agreement is fair, reasonable, and adequate and should be approved by the Court and to determine whether a final judgment should be entered dismissing this lawsuit with prejudice and without costs or attorneys' fees ("Settlement Hearing").
5. As described in the Notice, Class Members may appear personally or by counsel of their choice and at their own expense at the Settlement Hearing to show cause why: (a) the

proposed settlement of the claims asserted should or should not be approved as fair, just, reasonable, adequate, and in good faith; or (b) judgment should or should not be entered. Provided, however, that no Class Member will be heard at the Settlement Hearing or be entitled to contest the approval of the terms and conditions of the proposed settlement, the judgment to be entered, or other matters considered by the Court at or in connection with the Settlement Hearing, unless, no later than December 9, 2016, the Class Member has filed by hand delivery or by first-class United States mail in time to arrive at the Court (and to the attorneys at the addresses below) by December 9, 2016, written objections that indicate the basis for the Class Member's opposition and any supporting papers and briefs to Clerk of the Court, Wayne County Circuit Court, 2 Woodward Ave., Detroit, Michigan 48226. At the same time that any objection is filed with or mailed to the Clerk, a photocopy of that objection must be personally served or mailed by first-class United States mail to each of the following:

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Attorney for Non-Union Class Defendants

6. Class Members who do not object in the manner provided above will be deemed to have waived such objection to the fairness, adequacy, or reasonableness of the proposed settlement.

7. All pretrial and trial proceedings in this case are stayed and suspended until further order of the Court, and the deadline for the filing of answers, counterclaims and other responsive pleadings is hereby suspended until further order of the Court. Pending the final determination of the fairness, reasonableness, and adequacy of the Settlement, no Class Member may institute or commence any action or proceeding against Plaintiffs asserting any of the claims at issue in this action.

8. The Settlement Hearing may be continued or adjourned by order of this Court, from time to time, and without further notice to the Class, except to any Class Member who timely filed an objection.

9. The Library Commission and DPL do not consent to certification of the Class for any purpose other than to effectuate the settlement of the Class Action Litigation. If the Settlement Agreement is not approved by the Court or is terminated pursuant to its terms, or any subsequent amendment thereto, the conditional order certifying the Class, and all preliminary and/or final findings regarding the Court's conditional class certification order or any other matters, shall be automatically vacated upon notice of same from any Party to the Court, and this Class Action Litigation shall proceed as though the Class had never been certified and such findings had never been made, without prejudice to any Party's ability to proceed with or oppose a motion for class certification thereafter.

IT IS SO ORDERED.

/s/ Leslie Kim Smith

Hon. Leslie Kim Smith
Circuit Court Judge

Dated:

Approved as to form and substance:

KIENBAUM OPPERWALL HARDY
& PELTON, P.L.C.

NICHOLSON FELDMAN LLP

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Date: November 4, 2016

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